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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,025	08/14/2000	Ashok N. Rudrapatna	RUDRAPATNA-8	8832

32361 7590 09/17/2003

GREENBERG TRAURIG, LLP  
885 3RD AVENUE  
NEW YORK, NY 10022

EXAMINER
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NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 09/17/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/638,025

Applicant(s)

RUDRAPATNA, ASHOK N.

Examiner

Tu X Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Examiner comments**

1. Claims 1-29 have been cancelled.

### ***Response to Amendment***

2. Applicant's arguments with respect to claims 30-38 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 30, 33, 35 and 37, are rejected under 35 U.S.C. 102(e) as being anticipated by Feuerstein et al. (US Patent 6,246,674).

Regarding to claim 30, Feuerstein et al. disclose a method of communicating comprising the step of:

Modifying at least one antenna's beam width (see col.3 lines 39-64) based on received radio resource allocation (see col.8 lines 25-50, col.11 lines 1-20) instructions for signals to be transmitted and/or receive by the at least one antenna (see col.1 lines 26-31).

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Regarding claim 33, Feuerstein et al. disclose communication system and the beam width of the at least one antenna of a forward link of the communication is modified (col.12 lines 26-62).

Regarding claims 35 and 37, Feuerstein et al. disclose at least one antenna whose beam width is modified (see col.26-31) is part of base station (inherently), mobile unit (see col.2 lines 45-67) of the communication system.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feuerstein et al. and further in view of Antonio et al. (US Patent 5,621,752).

Regarding to claims 31-32, Feuerstein et al. disclose everything a claim 1 above. More specifically, Feuerstein et al. disclose information related to power level of the signals (see col.10 lines 59-65).

Feuerstein et al. fail to specifically disclose receiving information related to at least one or any combination of location of a mobile, SNR of signals conveyed between the at least one antenna and the mobile, data rate of signals.

Antonio et al. disclose receiving information related to at least one or any combination of location of a mobile (see col.3 lines 1-4, col.4 lines 21-23), SNR

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of signals conveyed between the at least one antenna and the mobile (see col.4 lines 51-60), data rate of signals (col.5 lines 10-42). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Feuerstein et al. with the above teaching of Antonio et al. in order to provide beam forming base on reflection measurement of multipath signals, signal to noise ratio, data rate so that improving adaptive sectorization within a spread spectrum communication system.

7. Claims 34, 36 and 38, are rejected under 35 U.S.C. 103(a) as being unpatentable over Feuerstein et al. and further in view Alamouti et al. (US Pub. 2002/0159506).

Receiver claims 34 and 36 and 38, Feuerstein et al. fail to disclose the beam width of the at least one antenna of a reverse link of the communication is modified.

Alamouti et al. disclose the beam width of the at least one antenna of a reverse link of the communication is modified (see par. 0520). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Feuerstein et al. with the above teaching of Almouti et al. in order to provide information concerning the interference resulting form other transmitters by tuning and adaptively adjusts the beam forming at the access terminals.

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### Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

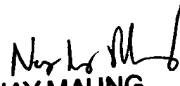
**or faxed to:**

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

August 25, 2003

  
NAY MAUNG  
PRIMARY EXAMINER